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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Confirmation No. 9619

Seiji NONAKA et al.

Docket No. 2000-1402

Serial No. 09/679,308

Group Art Unit 1745

Filed October 6, 2000

Examiner J. Mercado

ELECTRODE METAL MATERIAL, CAPACITOR AND BATTERY FORMED OF THE MATERIAL AND METHOD OF PRODUCING THE MATERIAL AND THE CAPACITOR AND BATTERY

-E COMMISSIONER IS AUTHORIZED O'HARGE ANY DEFICIENCY IN THE SEARCH TO DEPOSIT NO. 23-0975

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Office Action of July 11, 2003, Applicants submit the following remarks in support of the allowance of the present application. Further and favorable reconsideration is respectfully requested in view of these remarks.

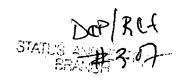
Thus, the rejection of claims 1, 3-10 and 121 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2 and 5-11 of Nonaka et al., as well as the rejection of claims 122 and 123 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2 and 5-11 of Nonaka et al. in view of Phillips, are respectfully traversed.

The Nonaka et al. reference (USP 6,493,210) is the patent which issued from the divisional application of the present application. During prosecution of the present application, the Examiner required restriction among (I) claims 1-10 and 22-34 drawn to an electrode and a capacitor, (II) claims 11-23, 35-53 and 80-120 drawn to a period of forming an electrode and a

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Seiji NONAKA et al.

Serial No. 09/679,308

Filed October 6, 2000

ELECTRODE METAL MATERIAL, CAPACITOR AND BATTERY FORMED OF THE MATERIAL AND METHOD OF PRODUCING THE MATERIAL AND THE CAPACITOR AND BATTERY Attn: ACCOUNTING DIVISION

REFUND BRANCH

Confirmation No. 9619

Attorney Docket No. 2000-1402

REQUEST FOR REFUND

THE COMMISSIONER IS AUTHORIZED TO CHARGE ANY DEFICIENCY IN THE FEE FOR THIS PAPER TO DEPOSIT ACCOUNT NO. 23-0975.

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Applicants' attorney has been informed that his PTO Deposit Account (No. 23-0975) was charged \$110.00 on November 6, 2003 in connection with an Extension of Time. Perhaps this was in connection with a response to the Office Action of July 11, 2003. However, a Response to the Office Action was timely filed within the three month time period, on October 10, 2003. Please see the attached copy of the postcard receipt for this response.

Under these circumstances, Applicants' attorney request a refund of \$110.00, which should be credited to his PTO Deposit Account (No. 23-0975).

Respectfully submitted,

Seiji NONAKA et al.

By:

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May 12, 2004

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Due Date: October 11, 2003

ATTY DOCKET #: 2000-1402

Confirmation No. 9619

OUR REF: 2000-1402/MRD/00177

Applicant: Seiji NONAKA et al.

Serial No.: 09/679,308 Filing Date: October 6, 2000

Title: ELECTRODE METAL MATERIAL, CAPACITOR AND BATTERY FORMED OF

THE MATERIAL AND METHOD OF PRODUCING THE MATERIAL AND THE

CAPACITOR AND BATTERY

Receipt of the following papers is acknowledged:

Response



THE COMMISSIONER IS AUTHORIZED TO CHARGE ANY DESCRIPTION THE FEES FOR THIS P. TO DEPOSIT ACCOUNT NO. 23-0975

Date: October 10, 2003

Attorney: MRD/nk

[Check No.____